

REMARKS

Applicant respectfully requests that the rejections set forth in the Office Action mailed October 30, 2009, be withdrawn.

The applicant wishes to thank the Examiner for the thorough Office Action, and respectfully submits that each rejection raised has been appropriately resolved herein. Each rejection is addressed below, preceded by a heading similar to that found in the Office action.¹

Claims 1-82 and 99-104 are pending in this application. Claims 1-22, 30-46, 51, 55-74, 82 and 101 have been rejected.

In this response, Claims 1, 32, 34, 55, and 99 have been amended and claims 4, 5, 30-31, 33, 56-57, 82, and 102-104 have been cancelled. Claims 23, 47, and 75 have been withdrawn from consideration. No new matter has been added.

Reconsideration and withdrawal of the rejections set forth in the Office Action dated October 30, 2009, are respectfully requested in view of the remarks below.

Objections

Claims 23, 47, and 75

The Examiner states that claims 23, 47, and 75 are allegedly not readable in the elected species I of the Response to Restriction Requirement filed by applicant on July 9, 2009. Although applicant respectfully disagrees, the above listed claims have been withdrawn from consideration for the sole purpose of expediting prosecution.

¹ Silence regarding the position taken, or argument made, by the Examiner does not indicate any acquiescence to that position or argument. Furthermore, arguments made by the applicants with respect to a particular claim or claims apply only to those claim or claims, and not to other claims or patents/applications, unless specifically noted herein.

Specification

The Examiner has objected to the amendment filed 4/8/2002 under 35 U.S.C. § 132(a) because it allegedly introduces new matter. Applicant respectfully disagrees.

The added material is, in fact, supported by the original disclosure. The material added to the specification include features are inherent to the subject matter as disclosed in the specification as originally filed.

Specifically, "planar motion" is supported by, at least the description on Page 11, lines 25-30 of the original disclosure and "translational movement includes movement measured in other types of coordinate systems including but are not limited to cylindrical or spherical..." is supported by, at least description on page 12, lines 1-5 of the original disclosure. Withdrawal of the objection to the specification under 35 U.S.C. § 132(a) is thus respectfully requested.

The specification has been amended to include an Abstract section.

35 U.S.C. § 112 Rejections

Claim 34

The Examiner has rejected claim 34 under 35 U.S.C. § 112, second paragraph, as being indefinite and allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34 has been amended to eliminate the antecedent basis issue.

The withdrawal of the rejections of claim 34 under 35 U.S.C. § 112, second paragraph, is thus respectfully requested.

Claims 4, 5, 30-31, 33, 34, 56, 57, and 82

The Examiner has rejected claims 4, 5, 33, 34, 56 and 57 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Examiner has rejected claims 30-31 and 82 under 35 U.S.C. § 112, first paragraph, as allegedly based on a disclosure which is allegedly not enabling.

Although applicant respectfully disagrees, the above claims have been cancelled for the sole purpose of expediting prosecution.

35 U.S.C. § 102(e) Rejections

Claims 1-5, 14-18, 55-59 and 68-70

The Examiner has rejected claims 1-5, 14-18, 55-59 and 68-70 under 35 U.S.C. 102(e) as being allegedly anticipated by Williams (U.S. Patent No. 6,956,564, hereinafter "Williams"). Applicant respectfully disagrees.

As explained below, the applicant respectfully submits that Williams fails to disclose or fairly suggest applicant's claims.

THE CITED REFERENCE DOES NOT DISCLOSE EACH AND EVERY ELEMENT IN
INDEPENDENT CLAIM 1

To anticipate a claim, the reference must teach every element of the claim.

*"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."*²

² *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant respectfully submits that Williams does not anticipate Applicant's independent claim 1 since Williams does not disclose each and every element of independent claim 1.

For example, independent claim 1 includes:

1. *A method for assisting a user in viewing an object on a display device of a computer system, the method, comprising:*
...
wherein, translational movement along a z-axis corresponds to a command to zoom into the displayed portion and that the zoom is implemented by an accelerometer oriented to be sensitive to detection of translational movement along the z-axis. (Claim 1, emphasis added -- support for the amendment can be found in at least lines 19-24 of Page 11 of the specification)

In Williams, a computer includes "accelerometers capable of detecting movement of a pen with respect to gravity provide input to a microcontroller which selects a response from a number of viewing modes" (Abstract, Williams).

However, Williams does not teach or suggest the above emphasized subject matter in now-amended claim 1. Specifically Williams does not teach that "translational movement along a z-axis corresponds to a command to zoom into the displayed portion and that the zoom is implemented by an accelerometer oriented to be sensitive to detection of translational movement along the z-axis", as recited in claim 1.

To anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim. Williams fails to disclose every element recited in claim 1. Thus, at least for the above stated reasons, applicant submits that independent claim 1 is patentable over Williams. Independent claims 1, 32, and 99 are patentable over Williams for at least the same and/or similar reasons.

Williams also does not anticipate Applicant's independent claim 55 since Williams does not disclose each and every element of independent claim 55.

For example, independent claim 55 includes:

1. A hand-held computer system comprising:
a processor;
a motion detector internal to the hand-held computer system, the motion detector including three accelerometers in orthogonal arrangement to one another;
a display device coupled to the processor;
a computer readable medium coupled to the processor, the computer readable medium having computer executable instructions for:
... (Claim 1, emphasis added – support for the amendment can be found in at least lines 5-19 of Page 10 of the specification)

Williams does not teach or suggest the above emphasized subject matter in the now-amended version of claim 55. Specifically Williams does not teach a motion detector that includes "three accelerometers in orthogonal arrangement to one another", as recited in claim 55.

To anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim. Williams fails to disclose every element recited in claim 55. Thus, at least for the above stated reasons, applicant submits that independent claim 1 is patentable over Williams.

The withdrawal of the rejections under 35 U.S.C. 102(e) is respectfully requested for claim 1, 32, 55, and 99.

35 U.S.C. § 103(a) Rejections

Independent Claims 1 and 55

The Examiner has rejected independent claims 1 and 55 under U.S.C. 103(a) as being allegedly unpatentable over Motosyuku, et al. (U.S. Patent No. 5,602,566, hereinafter "Motosyuku"), and further in view of Zwern (U.S. Patent No. 6,127,990, hereinafter "Zwern). Applicant respectfully disagrees.

THE REFERENCES, ALONE OR IN COMBINATION, LACK CLAIMED ELEMENTS

The KSR decision in no way relieves the Patent Office of its obligations to "consider all claim limitations when determining patentability of an invention over the prior art."³ Accordingly, it remains well settled law that a finding of "obviousness requires a suggestion of *all limitations* in a claim."⁴ In the aftermath of KSR, the Board of Patent Appeals and Interferences has repeatedly reversed findings of obviousness when the Examiner has failed to proffer references containing all claim limitations. See, e.g., Wada, 2008 WL 142652 at *5 which states "because the Examiner has not explained why *every limitation* in claim 1 would have been obvious to a person of ordinary skill in the art, we agree with Appellants that the Examiner has not made out a case of prima facie obviousness." (emphasis added); and see Ex Parte Challapali, 2008 WL 111346, *4-6 (Bd.Pat.App. & Interf., Jan. 10, 2008), reversing finding of obviousness because the Examiner failed to establish sufficient reasoning for combining the references.

Regarding independent claim 1, Motosyuku does not teach or suggest the above emphasized subject matter in the now-amended version of claim 1. Specifically Williams does not teach that "translational movement along a z-axis corresponds to a command to zoom into the displayed portion and that the zoom is implemented by an

³ KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727, 82 U.S.P.Q.2d 1385 (2007).

⁴ CEMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003) (emphasis added) (cited in Ex Parte Wada, 2008 WL 142652, *4 (Bd.Pat.App. & Interf., Jan. 14, 2008)).

accelerometer oriented to be sensitive to detection of translational movement along the z-axis", as recited in claim 1.

Regarding independent claim 55, Motosyuku does not teach or suggest the above emphasized subject matter in the now-amended version of claim 55. Specifically Williams does not teach a motion detector that includes "three accelerometers in orthogonal arrangement to one another", as recited in claim 55.

Zwern was cited for alternate subject matter recited in the claims and also does not cure the deficiency of Motosyuku.

Overall, none of the applied references, singly or in any motivated combination, disclose or suggest the features recited in independent claims 1 and 55, and thus such claims are allowable. The withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested for claims 1 and 55. Independent claims 32 and 99 claim similar subject matter, and are thus allowable for at least the same or similar reasons.

TRAVERSAL OF THE EXAMINER'S "OFFICIAL NOTICE"

Regarding claims 19, 20, 30, 31, 71, 72, applicant hereby TRAVERSES the "Official Notice" taken by the examiner regarding the claimed subject matter of providing visual information using "multiple application windows".

Regarding claims 6-14, 21, 22, 32-46, 51, 60-67, 73, 74, and 82, applicant hereby TRAVERSES the "Official Notice" taken by the examiner regarding the claimed subject matter of using a "map viewer".

Regarding claims 2, 3, 6-13, 21, 33, 32-45, 58-67, 73-74, and 82, applicant hereby TRAVERSES the "Official Notice" taken by the examiner regarding the claimed subject matter of zoom in and out controls.

Applicant respectfully disagrees that these techniques are well known and thus requests the Examiner to provide evidence, references, and/or affidavit to support such an assertion, as required by the MPEP.

"If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. (MPEP 2144.03 (C))"

"When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons. (37 C.F.R. 1.104(d) (2))"

Dependent Claims

Claims 2-3, 6-29, 34-54, 58-82 and 100-101, which depend from independent claims 1, 32, 55 and 89, are allowable at least for depending from an allowable base claim, and potentially for other reasons as well.

Since the dependent claims are allowable for the reasons provided above, a specific discussion of the prior art associated only with rejections of the dependent claims is not necessary for the purpose of overcoming the rejections. Applicant's silence regarding the applicability of any particular reference should not be taken as agreement with, or acquiescence to, any particular rejection. Accordingly, Applicant respectfully requests that the Examiner re-evaluate of the rejections.

The withdrawal of the rejections for claims 2-3, 6-29, 34-54, 58-82 and 100-101, are respectfully requested.

No Disclaimers or Disavowals

Although this communication may include changes to the application or claims, or characterizations of claim scope or referenced art, the applicant is not conceding that previously pending claims are not patentable over the cited references; instead, any changes or characterizations are being made to facilitate expeditious prosecution of this application. Thus, the applicant reserves the right to later pursue any previously pending claims, or other broader or narrow claims, that capture any subject matter supported by this application, including subject matter that might be found disclaimed herein or by any earlier prosecution. Accordingly, anyone reviewing of this or any parent, child, or related prosecution history shall not reasonably infer that the applicant has disclaimed or disavowed any subject matter supported by this application.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

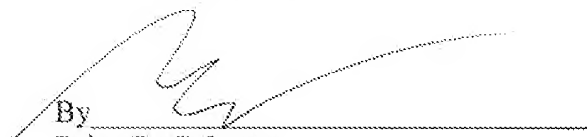
If the Examiner believes a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned at (650) 838-4306 to arrange for such a conference.

Please charge any deficiencies or credit any overpayments to our Deposit Account No. 50-2207, under Order No. 59559-8009.US01 from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

Apr. 30, 2010

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